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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			HANNON, CHRISTIAN A	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/607,671

Applicant(s)

CHIPCHASE ET AL.

Examiner

Christian A. Hannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This action is response to applicant's response filed on 02/16/2006. Claims 1-9 & 11-23 are now pending in the present application. **This action is made final.**

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 3, 5, 15, 17, 19 & 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu et al (US 2004/0209658), herein Liu.

Regarding claim 1, Liu teaches a mobile telephone, having a plurality of different operating characteristics, the mobile telephone comprising, a wireless receiver for receiving a control message from a remote controller (Page 3, [0020]; Figure 2, Item 60; Liu), a processor for controlling a plurality of operating characteristics of the mobile telephone in response to the received control message (Page 4, [0021-0022]; Liu). Liu teaches that a light, sound or vibration, or a plurality of operating characteristics, can be effected by button 82 of figure 2.

In regards to claim 2, Liu teaches the mobile telephone as in claim 1, wherein at least one of the operating characteristics is an alert characteristic that determines how

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the mobile telephone alerts a user (Page 4, [0021]; Liu). Liu teaches that the remote control can be used to alert a user to the location of the phone in addition to an incoming call.

In regards to claim 3, Liu teaches a mobile telephone as claimed in claim 1, wherein at least one of the operating characteristics is an alert characteristic that determines how the mobile telephone alerts a user to an incoming call (Page 4, [0021]; Liu). Liu teaches that a vibration of the phone may be used as an alert to a user of an incoming call.

With respect to claim 5, Liu teaches the mobile telephone as claimed in claim 1, wherein the processor is operable to use a first one of a plurality of predetermined sets of operating characteristics in the mobile telephone in response to the received control message (Page 4, [0021],[0025]; Liu). Liu teaches that the processor 16 of figure 2 is operable to effect a signal containing sound, light or vibration. Inherently one of these is selected in response to the received control message 84B of figure 2, thereby making it a 'first one'.

Regarding claim 15, Liu teaches a remote controller for use with a mobile telephone, comprising a user input device (Figure 2, Item 82; Liu), a wireless transmitter for transmitting a control message (Figure 2, Item 84B; Liu) for controlling the adoption of at least one operating characteristic by the mobile telephone in response to user activation of the mobile telephone in response to user activation of the user input device, and an indicator for indicating the adoption of at least one operating characteristic by the mobile telephone in response to user activation of the user input

device (Page 3, [0020]; Liu). The examiner is interpreting the operating characteristic to be that of the indicator Liu teaches in response to user activation of its control interface through input 82 in figure 2.

In regard to claim 17, Liu teaches the mobile telephone as claimed in claim 1, wherein one of the plurality of operating characteristics is an audible alert and one of the operating characteristics is a vibration alert (Page 4, [0025]; Liu).

Regarding claim 19, Liu teaches the mobile phone as claimed in claim 1, wherein the mobile telephone further comprises a memory for storing an indication of a currently operative set of one or more operating characteristics (Page 4, [0021]; Liu). Liu teaches a memory for storing the indicator within the control circuit, processor, 56 of figure 2.

With respect to claim 21, Liu teaches the mobile telephone of claim 1, furthermore Liu teaches the phone further comprising a user input device (Figure 2, Item 82; Liu) and a display (Figure 2, Item 64; Liu) for displaying the plurality of operating characteristics of the mobile telephone, wherein the displayed plurality of operating characteristics are selectable in response to a received control message but are not selectable in response to activation of the user input device. In fact Liu teaches that selection is made via the MMI item 62 in figure 2 of the phone characteristic, the user input device merely activates the phone with the configured phone characteristic (Page 4, [0025]; Liu).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6-8, 18, 19 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Chaplin et al (US 2002/0132610), herein Chaplin.

Regarding claim 4, Liu teaches the mobile telephone as claimed in claim 3, however Liu fails to teach wherein control of the alert characteristic mutes the mobile telephone. Chaplin teaches a mobile phone capable of mute alert characteristic (Page 1, [0005]; Chaplin). It would have been obvious to combine the teachings of Liu with those of Chaplin to provide for a way to have the phone ring without an audible disturbance due to environment constraints.

In regard to claim 6, Liu teaches the mobile telephone of claim 5, however Liu fails to teach wherein the first set of operating characteristics are selectable only in response to a received control message. Chaplin teaches a first set of operating characteristics that are selectable only in response to a received control message (Page 1, [0012]; Chaplin). Chaplin teaches that a first profile, or first set of operating characteristics, is selected either manually or automatically, therefore in order to set the phone to the first profile it obviously responds to a control message, received either by the user or by the phones internal processor. Therefore it would have been obvious to

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combine Liu with Chaplin in order to offer a remote capability to set the phone to a first profile.

With respect to claim 7, Liu teaches the mobile telephone of claim 6, however Liu fails to teach wherein the first set of operating characteristics are selectable only in response to a received control message (Page 2,[0014]; Chaplin). Therefore it would have been obvious to combine the teachings of Liu with those of Chaplin in order to make the end user aware of what profile the telephone was operating in.

Regarding claim 8, Liu teaches the mobile telephone of claim 1, however Liu fails to teach wherein the processor is operable to toggle between a first predefined plurality of operating characteristics of the mobile telephone and a second predefined plurality of operating characteristics of the mobile telephone in response to the received control messages from the remote controller (Page 1, [0012]; Page 2, [0014]; Chaplin). It would have been obvious to combine the teachings of Chaplin with those of Liu in order to provide for a profile change with out having to remove the phone from ones pocket.

Regarding claim 18, Liu teaches the mobile telephone of claim 18, however Liu fails to explicitly teach wherein in response to a control message being received, the processor is operable to mute the audible alert and deactivate the vibration alert. However Chaplin teaches that a processor is operable to mute the audible alert and deactivate the vibration alert (Page 1, [0007]; Chaplin). In fact Chaplin shows a number of parameters that in response to a signal can be modified in any number of patterns.

With respect to claim 20, Liu teaches the mobile telephone of claim 1, however Liu fails to teach wherein one of the operating characteristics is an audible alert and the

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processor is operable to mute the audible alert while the audible alert is being made by the mobile telephone, in response to a control message being received. Chaplin teaches that a user may send a control signal to alter a profile within a mobile telephone, which obviously could be effected as a call was incoming to the user, and would have the same effect on the audible alert as if a call wasn't coming in (page 1, [0005],[0007]; Chaplin).

5. Claims 9, 11-14, 16, 22 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Chaplin and further in view of Nishihara (US 5,561,712).

In regard to claim 9, Liu teaches a remote controller for use with a mobile telephone as claimed in claim 1, a user input device (Figure 2, Item 82; Liu), a wireless transmitter for transmitting a control message for controlling the mobile telephone in response to user activation of the user input device (Page 3, [0019]; Liu), however Liu fails to teach that the telephone adopts a predefined plurality of operating characteristics. Chaplin teaches the use of a predefined plurality of operating characteristics, therefore it would have been obvious to combine the two to manage environmental changes of mobile telephone usage areas. However Liu and Chaplin still fail to teach that an indicator for indicating the adoption of the predefined plurality of operating characteristics of the mobile telephone in response to user activation of the user input device. Nishihara actually teaches a remote controller of a mobile telephone with a display, operable to indicate a plurality of predefined operating characteristics



(Figure 7, Item 202; Column 15, Lines 32-36; Nishihara). Therefore it would have been obvious to incorporate a indicator on the combined teachings of Liu and Chaplin in order to offer the end user a visible display of what operating phone mode they were in without having to look at the actual mobile telephone itself.

Regarding claim 11, Liu, Chaplin and Nishihara together teach the remote controller of claim 9, furthermore Liu teaches wherein a control message is transmitted in response to a single activation of the user input device (Page 3, [0020]; Liu).

In regard to claim 12, Liu, Chaplin and Nishihara together teach the remote controller of claim 9, furthermore Nishihara teaches a second user input device for switching the remote controller on and off and for answering and ending an incoming call to the mobile telephone (Figure 7, Item 210-212; Nishihara), the examiner is considering the three buttons to consist of the second user input in Nishihara.

Regarding claim 13, Liu, Chaplin and Nishihara together teach the remote controller of claim 9, furthermore Liu incorporates a clip by means of which the controller is adapted to be clipped to at least an ear of a user (Page 1, [0004]; Liu). While Liu does not specify that the headset is 'clipped' to the ear it is obvious from figure 3, that speaker in figure 3, item 72 is 'clipped' to the ear in order to maintain placement on ones head, to effect a 'headset.'

With respect to claim 14, Liu & Chaplin teach the remote controller for use with mobile telephone of claim 4, comprising a user input device (Figure 2, Item 82; Liu), and a wireless transmitter for transmitting a control message to the mobile telephone in response to user activation of the user input device (Page 3, [0019]; Liu). However Liu

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and Chaplin fail to teach that the remote signal mutes the mobile telephone and that an indicator is present to indicate when the mobile telephone is muted. Nishihara teaches that a remote control of a phone is capable of muting and indicating said muting on a display, or indicator. (Figure 7, Item 202; Column 15, Lines 32-36; Nishihara).

Therefore it would have been obvious to combine the teachings of Liu & Chaplin with those of Nishihara in order to provide a means to offer the end user a visible display of what operating phone mode they were in without having to look at the actual mobile telephone itself.

Regarding claim 16, Liu teaches a mobile telephone arrangement comprising, a mobile telephone (Figure 2, Item 52; Liu), having a plurality of different operating characteristics (page 4, [0025]; Liu), and a remote controller (Figure 2, Item 54; Liu), wherein the mobile telephone comprises, a wireless receiver for receiving a control message from a remote controller (Figure 2, Item 60; Liu), and a processor (Figure 2, Item 56; Liu), and wherein the remote controller, comprises a user input device (Figure 2, Item 82; Liu), a wireless transmitter for transmitting a control message in response to each user activation of the user input device (Figure 2, Item 70; Liu), along with responding to a received control message from a remote controller (Page 4, [0025]; Liu). However Liu fails to teach a toggling between at least a first operating characteristic of the mobile telephone and a second operating characteristic of the mobile telephone in response to a received control message. Chaplin does teaches a mobile phone able to toggle between a plurality of operating characteristics in response to a received control message (Page 1, [0005]; Chaplin). Therefore it would have been

obvious to combine the teachings of Liu with those of Chaplin in order to effect the profile changes of Chaplin with the remote control feature of Liu in order to silence the phone in a business setting without having to remove the phone from one's person. Still though together the combined teachings of Liu and Chaplin fail to teach an indicator for indicating the status of the toggle in response to user activation of the user input device. Nishihara does in fact teach an indicator for indicating the status of a response to a user activation of the user input device (Figure 7, Item 202; Column 15, Lines 32-36; Nishihara). Therefore it would have been obvious to combine the teachings of Liu & Chaplin with those of Nishihara in order to provide notification to the user about the status of the operating mode of the phone without having to remove the phone from ones pocket.

Regarding claim 22, Liu teaches the remote controller as claimed in claim 15, however Liu fails to teach wherein successive actuations of the user input device cause the mobile telephone to toggle between the at least one operating characteristic and a second operating characteristic. Chaplin teaches a plurality of toggle-able operating characteristics, in response to a control signal (Page 1, [0005]; Chaplin). Therefore it would have been obvious to combine the teachings of Liu with those of Chaplin in order to remotely effect changes in the operating characteristic so that the user would not have to remove the device from their person. Still though, the combined teachings of Liu and Chaplin fail to teach an indicator indicating the status of a toggle. Nishihara teaches a display that indicates an operating characteristic of a phone, that obviously changes with the status of the operating characteristic (Figure 7, Item 202; Column 15,

Lines 32-36; Nishihara). Therefore it would have been obvious to combine the combined teachings of Liu and Chaplin with those of Nishihara in order to display a status of a operating characteristic to the user so the user never questions which operating mode they are in and can see it instead.

In regard to claim 23, Liu, Chaplin & Nishihara teach the remote controller of claim 22, furthermore it is obvious that for each mode of Nishihara the corresponding displayed message on display 202, in figure 7 would correspond to that which the phone was in.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian A. Hannon whose telephone number is (571) 272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christian A. Hannon  
April 24, 2006

 5/1/06

QUOCHIEN B. VUONG  
PRIMARY EXAMINER